

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ZACHARY LUTZ,

Plaintiff,

v.

RAKUTEN, INC., RAKUTEN BASEBALL,  
INC. and HIROSHI MIKITANI,

Defendants.

Civil Action No. 17-03895

**DECLARATION OF  
HIROSHI MIKITANI**

[ELECTRONICALLY FILED]

**DECLARATION OF HIROSHI MIKITANI**

I, Hiroshi Mikitani, declare as follows:

1. I am the founder, Chairman, and CEO of Rakuten, Inc. Rakuten, Inc. has been named as a defendant in the above-captioned litigation filed by Plaintiff Zachary Lutz against specially appearing, non-resident, named defendants Rakuten, Inc., Rakuten Baseball, Inc., and me (collectively, the “**Named Defendants**”). I am a Japanese citizen and my primary residence is in the ARK Hills Executive Tower N211, Akasaka ichi-chome 14-5, Minato-ku, Tokyo, Japan. I have personal knowledge of the facts stated herein and, if called as a witness, could and would competently testify thereto.

2. I submit this declaration in support of the Named Defendants’ combined *Motion To: (1) Dismiss For Lack Of Personal Jurisdiction Under Rule 12(b)(2); (2) Dismiss Or Stay Pending Resolution Of A Parallel Proceeding In Japan And On Grounds Of Forum Non Conveniens; and (3) Dismiss For Failure To State A Claim Under Rule 12(b)(6).*

**Rakuten, Inc.**

3. Rakuten, Inc. is a multinational e-commerce and internet service Japanese corporation headquartered at 1-14-1 Tamagawa, Setagaya-ku, Tokyo, Japan 158-0094. *See* <https://corp.rakuten.co.jp/about/>. In my role as Chairman and CEO of Rakuten, Inc., my duties generally consist of supervising the Internet Services Segment of Rakuten, Inc.

**Rakuten Baseball, Inc.**

4. Rakuten, Inc.’s business is completely separate from that conducted by Rakuten Baseball, Inc.:

- Rakuten Baseball, Inc. is not a division of Rakuten, Inc.

- While Rakuten Baseball, Inc. is a wholly owned subsidiary of Rakuten, Inc., it is a separate entity and operates as such.
- Neither I nor Rakuten, Inc. have any operational oversight concerning Rakuten Baseball, Inc.'s operations, business, or negotiations with its baseball team players.
- Neither I nor Rakuten, Inc. are involved in Rakuten Baseball, Inc.'s negotiations with its baseball team players.
- I do not direct the operations of Rakuten Baseball, Inc.

**Zachary Lutz**

5. I had no involvement in negotiating the 2014 contract between Rakuten Baseball, Inc. and Zachary Lutz, the baseball player who played for the Tohoku Rakuten Golden Eagles baseball team in Japan in 2014.

6. I had no involvement in negotiating the potential 2015 contract between Rakuten Baseball, Inc. and Zachary Lutz, which I understand would have applied to him playing for the Tohoku Rakuten Golden Eagles baseball team in Japan in 2015 if agreement had been reached.

7. I had no involvement in the failure to close the potential 2015 contract between Rakuten Baseball, Inc. and Mr. Lutz.

8. I had no involvement in any of the actions alleged in Mr. Lutz' complaint concerning decisions involving Mr. Lutz.

9. I did not direct Rakuten, Inc. or Rakuten Baseball, Inc. to do anything concerning Mr. Lutz at any time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 27, 2017, at Tokyo, Japan.

  
HIROSHI MIKITANI

484707602.3

DECLARATION OF HIROSHI MIKITANI